

MONTANA LEGISLATIVE HISTORY

Chapter 552 19 77

Bill H S 224

Original bill & history ☒ C

H. Committee on Natural Resources

Hearing Date(s) Mar 05 ☒ C

Apr 06 ☒ C

 C

 C

Date Out Apr 06 ☒ C

S. Committee on Local Government

Hearing Date(s) Jan 31 ☒ C

Feb 04 ☒ C

 C

 C

Feb 04 ☒ C

Did this bill originate in an interim committee? Yes No

Committee

Report

1 *Senate* BILL NO. *224*
2 INTRODUCED BY *Stacy Lamm, Marilyn Peterson*
3 *Don't Doyle, John Lockner, Matt Neely*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
5 11-3860 AND 11-3862, R.C.M. 1947, TO ALLOW A SIMPLIFIED
6 PROCEDURE FOR SUBDIVISIONS WITHIN MASTER PLAN AREAS."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 11-3860, R.C.M. 1947, is amended to
10 read as follows:

11 "11-3860. Statement of purpose. It is the purpose of
12 this act to promote the public health, safety, and general
13 welfare by regulating the subdivision of land; to prevent
14 overcrowding of land; to lessen congestion in the streets
15 and highways; to provide for adequate light, air, water
16 supply, sewage disposal, parks and recreation areas, ingress
17 and egress, and other public requirements; to require
18 development in harmony with the natural environment; to
19 require that ~~whenever necessary, the appropriate~~ approval
20 of ~~any subdivision~~ subdivisions be contingent upon a written
21 finding of public interest by the governing body; and to
22 require uniform monumentation of land subdivisions and
23 transferring interests in real property by reference to plat
24 or certificate of survey."

25 Section 2. Section 11-3862, R.C.M. 1947, is amended to

1 read as follows:

2 "11-3862. Surveys required -- exceptions -- standards
3 for monumentation. (1) All divisions of land for sale other
4 than a subdivision after the effective date of this act into
5 parcels which cannot be described as 1/32 or larger aliquot
6 parts of a United States government section or a United
7 States government lot must be surveyed by or under the
8 supervision of a registered land surveyor.

9 (2) Every subdivision of land after June 30, 1973,
10 shall be surveyed and platted in conformance with this act
11 by or under the supervision of a registered land surveyor.
12 Subdivision plats shall be prepared and filed in accordance
13 with this act and regulations adopted pursuant thereto. All
14 division of sections into aliquot parts and retracement of
15 lines must conform to United States bureau of land
16 management instructions, and all public land survey corners
17 shall be filed in accordance with Corner Recordation Act of
18 Montana (sections 67-2001 through 67-2019). Engineering
19 plans, specifications, and reports required in connection
20 with public improvements and other elements of the
21 subdivision required by the governing body shall be prepared
22 and filed by a registered engineer or a registered land
23 surveyor as their respective licensing laws allow in
24 accordance with this act and regulations adopted pursuant
25 thereto.

INTRODUCED BILL

1 (3) The county clerk and recorder of any county shall
 2 not record any instrument which purports to transfer title
 3 to or possession of a parcel or tract of land which is
 4 required to be surveyed by this act unless the required
 5 certificate of survey or subdivision plat has been filed
 6 with the clerk and recorder and the instrument of transfer
 7 describes the parcel or tract by reference to the filed
 8 certificate or plat.

9 (4) Instruments of transfer of land which is acquired
 10 for state highways may refer by parcel and project number to
 11 state highway plans which have been recorded in compliance
 12 with section 32-2413, and are exempted from the surveying
 13 and platting requirements of this act; provided, however,
 14 that if such parcels are not shown on highway plans of
 15 record, instruments of transfer of such parcels shall be
 16 accompanied by and refer to appropriate certificates of
 17 survey and plats when presented for recording.

18 (5) The provisions of this act shall not apply to the
 19 division of state-owned land unless the division creates a
 20 second or subsequent parcel from a single tract for sale,
 21 rent or lease for residential purposes after July 1, 1974.

22 (6) Unless the method of disposition is adopted for
 23 the purpose of evading this act, the following divisions of
 24 land are not subdivisions under this act but are subject to
 25 the surveying requirements of this section for divisions of

1 land not amounting to subdivisions.

2 (a) Divisions made for the purpose of relocating
 3 common boundary lines between adjoining properties.

4 (b) Divisions made for the purpose of a gift or sale
 5 to any member of the landowner's immediate family.

6 (c) Divisions made by sale or agreement to buy and
 7 sell where the parties to the transaction enter a covenant
 8 running with the land and revocable only by mutual consent
 9 of the governing body and the property owner that the
 10 divided land will be used exclusively for agricultural
 11 purposes. Any change in use of the land for anything other
 12 than agricultural purposes subjects the division to the
 13 provisions of this chapter.

14 (d) A single division of a parcel when the transaction
 15 is an occasional sale.

16 (7) Subdivisions created by rent or lease are exempt
 17 from the surveying and filing requirements of this act but
 18 must be submitted for review and approved by the governing
 19 body before portions thereof may be rented or leased.

20 (8) Subdivisions totally within a master planning area
 21 adopted pursuant to 11-3801 through 11-3856 are exempt from
 22 the following requirements of this act:

23 (a) the requirement of an environmental assessment;

24 (b) the requirement of submission of a preliminary
 25 plat;

(c) the requirement of a public hearing; and

(d) the requirement that the subdivision be in the public interest.

~~†††~~(9) Unless the method of disposition is adopted for the purpose of evading this act, the requirements of this act shall not apply to any division of land:

(a) which is created by order of any court of record in this state or by operation of law, or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain (sections 93-9901 through 93-9926);

(b) which is created by a lien, mortgage, or trust indenture;

(c) which creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property;

(d) which creates cemetery lots;

(e) which is created by the reservation of a life estate;

(f) which is created by lease or rental for farming and agricultural purposes.

~~†††~~(10) The sale, rent, lease, or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a

division of land, as that term is defined in this act, and is not subject to the requirements of this act.

~~†††~~(11) The department of community affairs shall, in conformance with the Montana Administrative Procedure Act (sections 82-4201 through 82-4225), prescribe uniform standards for monumentation and for the form, accuracy, and descriptive content of records of survey.

~~†††~~(12) It shall be the responsibility of the governing body to require the replacement of all monuments removed in the course of construction."

-End-

STATE OF MONTANA

REQUEST NO. 451-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 9, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 224 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 224 amends the "Montana Subdivision and Platting Act" to allow a more simplified procedure for establishing subdivisions within a jurisdictional area governed by a master plan established by a city-county planning board pursuant to Sections 11-3801 through 11-3856, R.C.M. 1947.

FISCAL IMPACT - LOCAL:

No fiscal impact is anticipated as a result of the enactment of the proposed legislation.

Richard L. Drury for
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-77

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
MONTANA STATE SENATE

January 31, 1977

The meeting of the Local Government Committee was called to order by Chairman McCallum on January 31, 1977 at 9:30 A.M. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present.

The following visitors were present: Darlene Grove, League of Women Voters; Mike Foster, Intern; Charles R. Swart, Group of 56 Registered Land Surveyors; Denis Vogt, Lewis & Clark, APO; Cliff Christian, Montana Association of Realtors; Joe Gerbase, Montana Association of Realtors; Bob Miller, Montana Homebuilders Association; Jim Hahn, Private Land Surveyor; Kenneth L. Siderius, Chairman, Planning Unit; Lex Blood, Flathead County Planning Board; Herb Koenig, Flathead Conservation District; Francis Van Rinsun, Flathead Conservation District; Jane Lopp, Flathead County Areawide Planning Organization; Glen Drake, League of Cities and Towns; Dean Zinnecker, Montana Association of Counties and Dave Wanzenried, State Commission on Local Government.

CONSIDERATION OF SENATE BILL 224: Senator Story, sponsor of Senate Bill 224, gave a brief resume of the bill. Joe Gerbase, Attorney, Billings, Lobbyist for the Montana Association of Realtors, proposed an amendment to Senate Bill 224 (attached). Mr. Gerbase submitted the Technical Publication Listing which covers specific planning projects in the Billings urban area (attached). Robert H. Miller, Montana Home Builders Association, stated that since 1971 the price of housing has increased 51%. There has been a 93% increase on developed lots. Mr. Miller feels this should be kept on the local level and streamline the process. Sonny Hanson, Montana Technical Council, supports Senate Bill 224 and proposed an amendment (attached). Charles Swart, Group of 56 Registered Land Surveyors, testified in favor of Senate Bill 224 (attached). Jim Hahn, Billings, testified in favor of Senate Bill 224 (attached).

Opponents: Herb Koenig, Flathead Conservation District, definitely opposed Senate Bill 224. A Master Plan does not cover everything in subdivisions. A Conservation District is responsible for conserving land and water. Mr. Koenig feels subdivisions and agriculture are not

compatible to one another. He would like to see better controls. Jane Lopp, Flathead County Areawide Planning Organization, stated a Master Plan does not have regulation and review in the current law. In conforming to a Master Plan, no subdivision would be reviewed in Flathead County. Francis Van Rinsun, Flathead Conservation District, Fire District and School District 5, opposed Senate Bill 224 stating there should be some kind of law to protect the people who buy units in subdivisions. Kenneth L. Siderius, Eastside Planning Unit, opposed Senate Bill 224. He stated a Master Plan is just a recommendation. Lex Blood, Flathead County Planning Board, opposed Senate Bill 224. Mr. Blood stated the law should provide for public input. Denis Vogt, Lewis & Clark Areawide Planning Organization, testified against Senate Bill 224 (attached).

CONSIDERATION OF SENATE BILL 225: Senator Story, sponsor of Senate Bill 225, asked Joe Gerbase, Montana Association of Realtors, to present the bill. Mr. Gerbase gave a brief resume of Senate Bill 225 and submitted an amendment (attached). Sonny Hanson, Montana Technical Council; Robert Miller, Montana Home Builders Association; and Denis Vogt, Lewis & Clark Areawide Planning Organization; testified in favor of Senate Bill 225.

Opponents were Herb Koenig, Flathead Conservation District; Lex Blood, Flathead County Planning Board; and Jane Lopp, Flathead County Areawide Planning Organization.

Senator Thiessen moved the (attached) amendment to Senate Bill 225. Senator Dunkle seconded the motion. Motion carried.

ADJOURN: The meeting adjourned at 11:25 A.M. with the next meeting to be 9:30 A.M. Wednesday, February 2, 1977 to consider Senate Bills 199 and 232.


Senator George McCallum, Chairman

ROLL CALL

LOCAL GOVERNMENT COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 1-31-77

[illegible]

SENATE LOCAL GOVERNMENT COMMITTEE

BILL

VISITORS' REGISTER

DATE _____

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
Darlene Grove	League of Women Voters	SB 224 225		X
Mire Foster	Intern			
C.R. SWART	SG REG. LAND SURVEYORS	H 22A	✓	
Louis Clark ADE	Louis Clark ADE			✓
Cliff Christian	MT ASSN of REALTORS	224 225	✓	
Joe Gerbase	MT ASSN of REALTORS	224 225	✓	
Bob Miller	MONT. HOMEBUILDERS ASSN	225 224	✓	
Jim Hahn	Pvt. Land Surveyor	224	✓	
Kenneth L. Siderius	Chairman - Planning Unit	225 224		X
LEX BLOOD	Fletcher City - Planning Board			✓
Mark Koenig	Fletcher Commission Dist.	224 225		✓
Ronnie Van Dusen	" " "	224 225		✓
Jane Loop	Fla. County Planning Organization	224 225		✓
John W. Wain	League Cite & Towns	224 225		
Steve Wanzendorf	St. Comm. in Local Govt			

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

S.B. 224

Amend Page 4, Line 20 to read:

(B) Subdivisions totally within an area with a master plan adopted pursuant to 11-3801 through 11-3856, a zoning regulation adopted pursuant to 11-2701 through 11-2709 or 16-4701 through 16-47 , and a capital improvements program adopted pursuant to _____ through _____ , are exempt from the following requirement of this act:

Amend Page 4, Line 24 and 25 - (Delete and ^{reinsert}reinsert):

(b) the requirement of submission of a preliminary plat:

Amend S.B. 224 by deleting all material beginning on Page 4, Line 20 and ending on Page 5, Line 3. Insert therein, the following:

(8) Subdivisions totally within a master planning area adopted pursuant to section 11-3801 through 11-3856 are deemed to be in the public interest and are exempt from the following requirements of this act:

- (a) The requirement of an environmental assessment; and
- (b) The requirement of a public hearing.

JANUARY 30, 1977

FROM: JAMES L. HAHN, REGISTERED LAND SURVEYOR
3940 BECRAFT LANE, BILLINGS, MONTANA
SEC. AND GEN. MGR. PRIVATE FIRM
PAST PRES. MONT. ASSOC. REG. LAND SURVEYORS

TO: LOCAL GOVERNMENT COMMITTEE
OF THE MONTANA SENATE, 1977 SESSION
HELENA, MONTANA

RE: SENATE BILL NO. 224

COMMITTEE MEMBERS:

I RECOMMEND PASSAGE OF THE AMENDMENTS CONTEMPLATED BY SB 224 BECAUSE CERTAIN MECHANISMS FOR SAFEGUARDING PUBLIC INTEREST IN THE PLATTING ACT ARE DUPLICATIONS OF SAFEGUARDS PROVIDED IN THE IMPLEMENTATION OF A CITY AND COMMUNITY COMPREHENSIVE PLAN, SUBDIVISION REGULATIONS AND CITY-COUNTY ZONING ORDINANCES.

COMPREHENSIVE PLANS ENVISION THE USE OF LAND WITHIN THEIR JURISDICTION AND THE BASIS OF NEED FOR SUCH PLANS IS TO PROVIDE FOR THE ORDERLY DEVELOPMENT OF LIVING SPACE. RESIDENTIAL SUBDIVISIONS ARE THE CORE OF ESSENTIAL LIVING SPACE AND ARE INEVITABLE WITH GROWTH, THUS IT IS IMPORTANT THAT LAWS AND REGULATIONS COMPANION TO MASTER PLANS ADDRESS THE REAL PROBLEMS WHICH ATTEND THEIR IMPLEMENTATION. ONE OF THESE REAL PROBLEMS IS COST.

WHEN A MASTER PLAN ENCOMPASSES UNPLATTED LAND AND ENVISIONS ITS FUTURE USE SO FAR AS TO DESIGNATE AREAS FOR ROADS & PARKS, RESIDENTIAL AREAS, INDUSTRIAL AREAS AND THE LIKES, IT IS NOT A PRACTICAL MATTER FOR A PLANNING BOARD OR GOVERNING BODY TO MAKE RANDOM CHANGES IN THE MASTER PLAN THROUGH THE SUBDIVIDING PROCESS UNLESS THE MASTER PLAN ITSELF SPELLS OUT THE GROUND RULES FOR SUCH CHANGES. FOR EXAMPLE: IF A RESIDENTIAL SUBDIVISION WERE PROPOSED AND THE EXPRESSED PUBLIC OPINION WAS AGAINST THE PROPOSAL, THE LAW GIVES NO CRITERIA WHEREBY THE GOVERNING BODY MAY DENY APPROVAL AND THEREBY EFFECTIVELY AMEND THE MASTER PLAN BY CHANGING THE USE OF AN AREA ALREADY DESIGNATED AS RESIDENTIAL.

IN THIS RESPECT, THE SUBDIVISION AND PLATTING ACT UNDER THE PROVISIONS OF HB 666, COMPLETELY DISREGARDS THE MASTER PLAN CONCEPT IN THAT ON A CASE BY CASE BASIS, IT ALLOWS PLANNING BOARDS AND GOVERNING BODIES TO DETERMINE THE MERIT OR LACK OF MERIT OF A PROPOSED SUBDIVISION ON A PURELY ARBITRARY BASIS. THE PROVISIONS OF HB 666 CONTAIN NO GUIDE LINES WHATSOEVER FOR ASSESSING MERIT.

THE RESPECTIVE NET EFFECTS OF HB 666 AND AN ENVIRONMENTAL ASSESSMENT ARE CONFUSION AND FRUSTRATION TO THOSE THAT MUST WORK WITH IT AND A REAL INCREASE IN COST TO THE HOME BUYER.

PRESENTLY AND INTO THE FORSEEABLE FUTURE, FOR EVERY DOLLAR ADDED TO THE COST OF A NEW HOME THERE WILL BE FEWER AND FEWER MIDDLE TO LOW INCOME FAMILIES THAT WILL BE ABLE TO QUALIFY FOR OWNERSHIP OF THE HOME OF THEIR CHOICE OR WORSE TO QUALIFY FOR HOME OWNERSHIP AT ALL.

DOES THE PRESENT LAW CONTRIBUTE UNNECESSARY COSTS TO HOUSING? (UNNECESSARY COSTS BEING THOSE THAT CONTRIBUTE LITTLE OR NOTHING IN THE WAY OF BENEFITS OR SAFEGUARDS TO THE PUBLIC OR THE CONSUMER.) THE ANSWER IS YES. THE AMENDMENT AT HAND DEALS WITH THE ELIMINATION OF AN ENVIRONMENTAL ASSESSMENT FOR SUBDIVISIONS IN A MASTER PLANNED AREA, WHICH FOR A SMALL SUBDIVISION MAY COST \$200 TO \$500 AND MUCH MORE FOR LARGER SUBDIVISIONS.

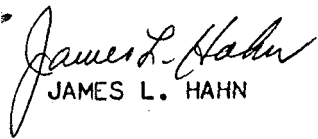
IF ONE PRESUMES THAT THE LAW ALLOWS A WAIVER BY A PLANNING BOARD FOR THE ENVIRONMENTAL ASSESSMENT IN A MASTER PLANNED AREA, HE IS WRONG BECAUSE WHAT THE LAW GIVES IN ONE PLACE IT TAKES AWAY IN ANOTHER, AS IS ILLUSTRATED ON THE ACCOMPANYING SHEET ENTITLED SEQUENTIAL STEPS FOR SUBDIVISIONS. HB 666 ENACTED IN THE LAST SESSION REQUIRES THAT THE SAME SUBJECTS AS AN ENVIRONMENTAL ASSESSMENT, AND MORE, BE ADDRESSED. STRICTEST ADHERENCE TO THE REQUIREMENTS OF HB 666 NOT ONLY ENCOMPASSES SUBDIVISIONS NOT ELIGIBLE FOR SUMMARY REVIEW BUT INCLUDES SUBDIVISIONS 5 LOTS AND SMALLER IN SIZE WHICH ARE ELIGIBLE FOR SUMMARY REVIEW AND ALSO INCLUDES RE-SUBDIVISIONS INVOLVING ONLY TWO LOTS OR ONE LOT AND A REMAINING PARCEL.

THE COST OF AN ENVIRONMENTAL ASSESSMENT AND/OR THE DOCUMENTATION TO PROVIDE "A FINDING OF PUBLIC INTEREST" ALONG WITH THE UNNECESSARY COSTS ATTENDING CERTAIN OTHER STATE AND LOCAL REQUIREMENTS WHEN APPLIED TO SMALL SUBDIVISIONS VIRTUALLY PRESENTS AN UNBEARABLE LOAD FOR CITIZENS OF MODEST MEANS AND, WHEN APPLIED TO LARGER SUBDIVISION DEVELOPMENT PROJECTS, ADDS UNJUSTIFIABLE COSTS TO THE PRICING OF THE AVERAGE NEW HOME. IF WE TAKE THE ACCOMPANYING CHECK LIST AND ASSIGN REALISTIC DOLLAR VALUES TO THOSE ITEMS WHICH APPLY TO SMALL SUBDIVISIONS,

(THE ITEMS NOT CROSSED OUT), WE IMMEDIATELY SEE THAT SELLING "ONE LOT AND THE WEST HALF OF ANOTHER" AS A SINGLE TRACT, OR CREATING SEVERAL NEW LOTS IS NOT AN INEXPENSIVE PROPOSITION.

ONE CANNOT POINT TO THE ENVIRONMENTAL ASSESSMENT OR HB 666 AS THE PROVERBIAL STRAW THAT BROKE THE CAMEL'S BACK. HOWEVER, ONE CAN WITHOUT FEAR OF CONTRADICTION SAY THAT THEY ARE PART OF THE LOAD. EVERY OPPORTUNITY THAT IS PRESENTED WHEREBY THE PROCESS CAN BE STREAMLINED AND WHEREBY UNNECESSARY COSTS CAN BE REMOVED, THE CLOSER WE COME TO PROVIDING REASONABLE ORDERLY DEVELOPMENT IN THE INEVITABLE GROWTH OF OUR COMMUNITIES. ONE SHOULD KEEP IN MIND, HOWEVER, THAT A PROPOSED SUBDIVISION OUTSIDE A MASTER PLANNED AREA WHICH DOES REQUIRE AN ENVIRONMENTAL ASSESSMENT OFTEN TIMES HAS VERY LITTLE TO DO WITH HOUSING AS ENVISIONED IN NATIONAL, STATE, AND COMMUNITY OBJECTIVES.

SINCERELY,


JAMES L. HAHN

ATLAS ENGINEERS INC., BILLINGS, MONTANA

CHECK LIST--SUBDIVISION PLAT ~~INCLUDING ZONE CHANGE~~
REQUIRING EXTENSION OF SEWER & WATER MAINS
JANUARY 1977

1. PLANNING BOARD BUILDING PERMIT CHECK LIST
- ~~2. WORK ORDER & ROUGH ESTIMATE OF COST~~
- ~~3. ENGINEER/SURVEYOR/OWNER AGREEMENT~~
4. 5 SIGNED COPIES (IN BLANK) OF PRELIMINARY PLAT APPROVAL APPLICATION
5. TOPOGRAPHIC MAP
6. LETTER REGARDING STORM WATER & DRAINAGE REQUIREMENTS LOCAL & SBH
7. PRELIMINARY SUBDIVISION DESIGNS
8. ENVIRONMENTAL ASSESSMENT WAIVER
9. LETTER REGARDING WATER & SEWER SERVICE PRELIMINARY APPROVAL
- ~~10. APPLICATION FOR EXTENSION OF SEWER AND/OR WATER SERVICE AREA TO PUB~~
- ~~11. PUB MEETING REGARDING REQUEST FOR EXTENSION OF SERVICE AREA BOUNDARIES~~
- ~~12. REQUEST FOR EXTENSION OF SERVICE AREA PUB TO COUNCIL~~
- ~~13. CITY COUNCIL MEETING APPROVING AREA EXTENSION~~
- ~~14. REQUEST FOR SEWER & WATER SERVICE AREA EXTENSION PUB TO PSC~~
15. APPLICATION FOR EXTENSION OF SEWER & WATER LINES-SUBDIVIDER TO PUB
16. PUB MEETING TO CONSIDER EXTENSION REQUEST
17. CITY COUNCIL MEETING ACTING ON SEWER AND/OR WATER LINE EXTENSIONS PER PUB RECOMMENDATION
- ~~18. ZONE CHANGE - VARIANCE REQUEST~~
- ~~19. ZONE COMMISSION HEARING & APPEALS~~
20. PRELIMINARY PLAT
21. PROPOSED DEED RESTRICTIONS - PROPOSED SID PROTEST WAIVER - PROPOSED IMPROVEMENTS AGREEMENT
22. ~~ENVIRONMENTAL ASSESSMENT~~ OR *HB 666 REQUIREMENTS*
23. PRELIMINARY PLAT APPROVAL APPLICATION
24. DEPARTMENT HEAD'S PLAT REVIEW MEETING
25. PLAT REVIEW COMMITTEE HEARING
26. PUBLIC HEARING PRESENTATION BY OWNER OR SURVEYOR
27. PRELIMINARY PLAT APPROVAL
28. OWNERSHIP REPORT (PRELIMINARY)
29. BOUNDARY SURVEY
- ~~30. PERCOLATION TESTS - SOILS TEST PIT & CLASSIFICATION~~
31. SOILS TESTS FOR IMPROVEMENTS DESIGN - DWELLINGS AND STREET IMPROVEMENTS
- ~~32. WATER & SEWER SYSTEM DESIGN (INDIVIDUAL SYSTEMS)~~

(CONTINUED ON BACK SIDE)

33. ~~ES-91 (INDIVIDUAL SYSTEMS)~~
34. FINAL BOUNDARY & PLAT CALCULATIONS - FINAL DESIGN
35. PREPARE WATER & SEWER IMPROVEMENTS PLANS (PRELIMINARY)
36. SUBDIVISION IMPROVEMENTS AGREEMENT
37. SPECIAL IMPROVEMENT DISTRICT CREATION WAIVER OF PROTEST
38. RESTRICTIVE COVENANTS
39. PREPARATION OF FINAL PLAT
40. SUBMITTAL OF PRELIMINARY IMPROVEMENTS PLANS TO PUB ENGINEER AND/OR CITY ENGINEER
41. FINAL PLAT & DOCUMENT SUBMITTAL
42. LETTER OF PRELIMINARY IMPROVEMENTS PLANS APPROVAL
43. FINAL PLAT APPROVAL BY PLANNING STAFF
44. SUBMITTAL OF ES-91 (PUBLIC OR COMMUNITY WATER AND/OR SEWER SYSTEM)
45. SIGNATURES ON DOCUMENTS FOR FINAL APPROVAL
46. SANITARY RESTRICTION REMOVAL
47. CORNER MONUMENTATION
48. FIELD SURVEYS FOR IMPROVEMENTS DESIGN
49. DESIGN OF IMPROVEMENTS
50. SUBMITTAL OF FINAL IMPROVEMENTS PLANS & SPECIFICATIONS TO PUB ENGINEER & CITY ENGINEER (~~3 SETS PLANS & SPECS FOR WATER~~
~~3 SETS OF PLANS & SPECS FOR SEWER~~ ~~5 SETS PLANS & SPECS FOR SEWER & WATER~~)
51. APPROVAL OF IMPROVEMENTS DESIGN BY GOVERNING BODIES
52. SUBMITTAL OF FINAL SEWER & WATER PLANS & SPECS TO STATE BOARD OF HEALTH
53. LETTER OF FINAL WATER AND/OR SEWER PLANS & SPECS APPROVAL FROM STATE BOARD OF HEALTH
54. CONSTRUCTION OF IMPROVEMENTS OR IMPLEMENTATION OF SECURITY AGREEMENT
55. "TV" INSPECTION OF SEWERS
56. ACCEPTANCE OF IMPROVEMENTS BY GOVERNING BODY
57. CERTIFICATION OF IMPROVEMENTS MEETING MINIMUM STANDARDS BY ENGINEER
58. AS-BUILT DRAWINGS INCLUDING ITEMIZED FINAL COST
59. BILL OF SALE FOR SEWER & WATER SYSTEMS
60. WARRANTY OF WATER & SEWER IMPROVEMENTS
61. FINAL OWNERSHIP REPORT
62. GOVERNING BODY'S ATTORNEY'S OPINION
63. SUBMITTAL OF FINAL PLAT COPIES TO GOVERNING BODY FOR OFFICIAL ACCEPTANCE
64. FILING OF FINAL PLAT - PROTEST WAIVER - IMPROVEMENTS AGREEMENT - SANITARY RESTRICTION REMOVAL

Note: Items 54, 55, 56, 57, 58, 59, 60, 61, 48, 49, 50, 51, 52, and 53 may follow Item 64 provided a security agreement is reached between the landowner and governing body.

SEQUENTIAL STEPS FOR SUBDIVISIONS

11 LOTS OR MORE	ENVIRON. ASSESSMENT WAIVER	PLANNING BOARD REVIEW	H.B. 666	PUBLIC HEARING	PRELIMINARY PLAT APPROVAL	ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
10 LOTS NON-CFRM MST.PLAN	ENVIRON. ASSESSMENT WAIVER	PLANNING BOARD REVIEW	H.B. 666	PUBLIC HEARING	PRELIMINARY PLAT APPROVAL	ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
5 LOTS OR LESS SUMMARY REVIEW		PLANNING BOARD REVIEW	H.B. 666			ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
1 LOT & REMAIND. SUBDIV		PLANNING BOARD REVIEW	H.B. 666			ST. BOARD OF HEALTH APPROVAL	FINAL APPROVAL	FILING FOR RECORD
1 LOT & REMAIND. EXEMPT.						ST. BOARD OF HEALTH APPROVAL		FILING FOR RECORD

DATE: 31 JAN 1977

ADDRESS: 324 S. GRAND AVE. BOZEMAN MT.

PHONE: 587. 3280

REPRESENTING WHOM? A GROUP OF 56 REGISTERED LAND SURVEYORS

APPEARING ON WHICH PROPOSAL: S.B. # 224

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: SEE ATTACHED STATEMENT.

For submission in support of S.B. #224, before the
Local Government Committee of the Senate

We feel that as surveyors we should make every attempt to insure that a completed subdivision will present no problems to the residents, the surrounding inhabited areas, or the municipal entity charged with providing the necessary services. The adoption of a master plan allows us to do this efficiently; such an approach is far superior to the piece-meal development, in which the lot size, layout, and access of future developments remain a mystery to all, including the developer, until such time as the pressure of the buying public makes additional platting economically feasible. The competent and experienced surveyor has used this approach for years, even though the master plan which he used was known to no one outside of his office. Although the use of the master plan has only recently received widespread notice, it has been a valuable and profitable technique for a long while.

Once the master plan has been carefully prepared, repetitious reviews and reassessments serve no purpose. These are costly and time consuming, and do nothing to improve the quality of the original design. An important point in the design of any product is the ability to know when to freeze the design, and proceed with the actual product development. A design cannot be endlessly reworked. The review which takes place beyond the freeze point, and which adds nothing to the quality of the product, adds considerably to the cost, which by necessity must be passed to the consumer.

NA

AI

PI

RJ

AI

DC

CC

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NAME: Jane Lopp DATE: 1/30/77

ADDRESS: 215 Rosewood Drive, Kalspell

PHONE: _____

REPRESENTING WHOM? Flothead Countywide Planning Organization

APPEARING ON WHICH PROPOSAL: SB224 - 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Do not pass. - existing subdivision
& Platting statutes are working very well.

NAME: Krancis Van Rensen DATE: 1/30/77

ADDRESS: 595 Somers Rd, Somers Mont

PHONE: 857-3777

REPRESENTING WHOM? Flathead Conservation dist, Fire Dist
Schools dist

APPEARING ON WHICH PROPOSAL: 724-725

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Like to see it left alone

NAME: Kenneth L. Siderius DATE: Jan 31, 77

ADDRESS: 1020 Middle Road, Columbia Falls, Mt

PHONE: 252-1496

REPRESENTING WHOM? Private group (Eastside Planning Unit) Flathead Co

APPEARING ON WHICH PROPOSAL: SB. 224 & 225

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ☒

COMMENTS: Current laws are fine.

NAME: LEY BLOOD DATE: Jan 31, 1977

ADDRESS: 880 Blackmer Lane, Col. Falls, MT 59412

PHONE: 755-2018

REPRESENTING WHOM? Flathead County Planning Board.

APPEARING ON WHICH PROPOSAL: 224, 225

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: Present laws are working well and bring
about citizen input on issues of local concern.
The new bills would greatly reduce input

My name is Denis Vogt, I am Director of Planning of the Areawide Planning Organization, and I do represent the posture of my Board.

My Board is opposed to Senate Bill #224 which essentially provides that any subdivision totally within an area in which a general development plan has been adopted, any subdivision is exempt from the local government's role: in assessing the proposed development on natural and manmade environments; of accepting a preliminary plat as an application which includes a variety of documents; of holding a public hearing to allow citizen input and not determining that the development will be in the public interest.

A "master" or general development plan is a policy statement adopted by a local government intended to provide assistance in the formulation of programs and projects on a long range basis. Often general development plans concern themselves with a policy statement of intended growth of 20 years hence. The most recognized means of implementing a general development plan is through adopted capital improvements programming, zoning and subdivision regulations.

The purpose of the Subdivision Act is to promote public health, safety and general welfare by regulating the subdivision of land; to prevent overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreations areas, ingress and egress and other public requirements, such as schools, library, etc.; to require development in harmony with the natural environment; to require that approval of any subdivision be contingent upon a written finding of public interest by the governing body.

To pass Senate Bill #224 would be to ask the City of Helena Commissioners to convey the responsibility of the foregoing to the person or persons involved in the development of land. We would also ask the County Commissioners to

give up their right of review for land development of 94 square miles of the Helena Valley at a time when many issues are coming to bear that can only be solved by our local legislative authorities.

My policy Board believes this legislation to be an emasculation of the role and authority of local government.

TECHNICAL PUBLICATION LISTING

In addition to general research books, manuals and Highway Research Board publications covering urban transportation planning, the following list of technical publications cover specific planning projects in the Billings urban area.

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1954	Urban Area Traffic Survey, Billings, MT	Montana Highway Commission, FHWA
1957	Street Improvement Study	Morrison-Marierle, Inc.
1958	Master Development Plan	City-County Planning Board
1960	Railroad Grade Crossing Study	DeLeuw, Cather & Co.
1961	Transportation Plan for the Billings Metropolitan Area	DeLeuw, Cather & Co.
1961	Airport Master Plan	Lee Fisher
1962	Northern Pacific Railway Report	Northern Pacific Railroad
1967	Economic and Population Study for Billings, Montana	Harstad Associates & City-County Planning Board
1968	{ Comprehensive Plan of the Billings Planning Area	Clark, Coleman & Rupeiks, Inc.
1968	Water and Sewer Development Plan for Yellowstone County	City-County Planning Board
1968	Parks, Recreation and Open Space Study	Theodore J. Wirth & Associates & City-County Planning Board
1968	Five Year Study Design	City-County Planning Board
1968	Highway Safety Program Analysis	National Safety Council
1968	Airport Master Plan	Robert Corllum
1968	Water and Sewer Plan for Billings, MT	Black & Veatch, Inc.
1968	Annual Review	City-County Planning Board

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1969	Billings, Mont. Urban Transportation Plan	Clark, Coleman & Rupieks, Inc. & DeLeuw Cather & Co.
1969	Transit Study for Billings, MT	Clark, Coleman & Rupieks, & Co.
1969	Signalization Study for Billings, MT Part A-B	Clark, Coleman & Rupieks, Inc. & City-County Planning Board
1969	Housing Plan Metropolitan Urban Area	City-County Planning Board
1969	Annual Review	City-County Planning Board
1970	Planning Your Community	City-County Planning Board
1970-71	Billings TOPICS Study	Montana Dept. of Highways
1971	Housing Market Analysis	City-County Planning Board
1971	Employment Survey Inventory	City-County Planning Board
1971	Land Use Inventory Procedures Manual Land Use Index Classification Manual	City-County Planning Board
1971	Billings, Montana Central Area Study	Gruen Associates, Planning Board & Staff
1972	Billings Urban Area Base Mapping	City-County Planning Board
1972	Billings, Montana Urban Area Housing Plan	City-County Planning Board
1972	Billings, Montana Manpower Resources Study	City-County Planning Board
1972	Billings Urban Area Capital Improvements Plan	Stevens, Thompson Runyan, Inc., Board Staff
1973	Urban Area Parks and Open Space	City-County Planning Board
1973	Billings Heights and Lockwood Policies Plan	City-County Planning Board

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1973	Comprehensive Water and Sewer Plan: Laurel, Montana	Stevens, Thompson & Runyan, Inc., Board & Staff
1973	Annual Review	City-County Planning Board
1974	Urban Area Housing Element	City-County Planning Board
1974	Billings Urban Transportation & Functional Planning Study Area: Overall Operations Planning Sequence	City-County Planning Board
1974	Storm Sewer Plan, Laurel, Montana	Stevens, Thompson & Runyan, Inc., Board & Staff
1974	Arterial Circulations Plan, Laurel, Montana	Stevens, Thompson & Runyan, Inc., Board & Staff
1974	Capital Improvements Plan: Laurel, Montana	City-County Planning Board
1974	Urban Atlas	City-County Planning Board
1974	Annual Review	City-County Planning Board
1975	Newsletter	City-County Planning Board
1975	Annual Report for Transportation	City-County Planning Board
1975	Annual Report for 701	City-County Planning Board
1975	Unified Work Program	City-County Planning Board
1975	Housing Plan and Element	City-County Planning Board
1975	Economic Report	City-County Planning Board
1975	Financial Report	City-County Planning Board
1975	Capital Improvements Program	City-County Planning Board

<u>YEAR</u>	<u>TITLE</u>	<u>AUTHOR</u>
1975	Zoning & Subdivision Procedures	City-County Planning Board
1975	Annexation Study	City-County Planning Board
1975	Subdivision Update (City)	City-County Planning Board
1975	Land Use Inventory	City-County Planning Board
1975	P.U.D. Report	City-County Planning Board
1975	Data Processing Report	City-County Planning Board
1975	County Park and Recreation Plan	City-County Planning Board
1975	Population Report	City-County Planning Board
1975	Operations Plan	City-County Planning Board
1975	Annual Report on the County Board of Adjustment and Zoning Commission	City-County Planning Board
1975	County Subdivision Regulations	City-County Planning Board
1975	City Subdivision Regulations	City-County Planning Board
1975	Bikeways Plan	Theodore J. Wirth & Associates & City- County Planning Bo
1975	Transit Development Program	City-County Planning Board

February 4, 1977

Senator Watt moved Senate Bill 227 be give a "Do Pass" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

Senator Story presented amendments to Senate Bill 224 (attached). Senator Peterson moved to adopt the amendments to Senate Bill 224. Senator Dunkle seconded the motion. Motion carried unanimously. Senator Thomas moved Senate Bill 224 be give "And As So Amended, Do Pass" recommendation. Senator Peterson seconded the motion. Motion carried unanimously.

Senator Dunkle moved to adopt amendments (attached) to Senate Bill 225. Senator Thiessen seconded the motion. Motion carried unanimously. Senator Dunkle moved Senate Bill 225 be give an "And As So Amended, Do Pass" recommendation. Senator Thomas seconded the motion. Motion carried unanimously.

ADJOURN: The meeting adjourned at 10:30 with the next meeting to be Monday, February 7, 1977 to hear Senate Bill 198 and Senate Bill 267.


Senator George McCallum, Chairman

mm

LOCAL GOVERNMENT COMMITTEE

Date 1-4-77

[illegible]

Amend S.B. 224 by deleting all material beginning on Page 4, Line 20 and ending on Page 5, Line 3. Insert therein, the following:

(8) Subdivisions totally within a master planning area adopted pursuant to section 11-3801 through 11-3856 are deemed to be in the public interest and are exempt from the following requirements of this act:

- (a) The requirement of an environmental assessment; and
- (b) The requirement of a public hearing.

STANDING COMMITTEE REPORT

February 4

19 77

MR. President

We, your committee on Local Government

having had under consideration Senate Bill No. 224

Respectfully report as follows: That Senate Bill No. 224,

introduced bill, be amended as follows:

1. Amend page 4, section 2, lines 21 through 3 on page 5.

Following: "11-3856"

Strike: "are exempt from the following requirements of this act:

- (a) the requirement of an environmental assessment;
- (b) the requirement of submission of a preliminary plat;
- (c) the requirement of a public hearing; and
- (d) the requirement that the subdivision be in the public interests.

Insert: "wherein zoning regulations pursuant to 11-2701 through 11-2709 or 16-4701 and a capital improvement program pursuant to 11-3831 have been adopted are designed to be in the public interest and exempt from the requirement of an environmental assessment."

~~DO PASS~~

AND AS SO AMENDED, DO PASS

Senator George McCallum

Chairman.

March 9, 1977

The Natural Resources Committee convened on March 9, 1977, at 8:05 a.m. in room 437 with Chairman Sheldon presiding and all members present except for Reps. Frates, Hirsch, Huennekens and Kessler, who were excused.

Chairman Sheldon opened the meeting to a hearing of the following bills:

SB 224 SENATOR PETE STORY, District 37, said this is one of four bills he is presenting to the committee which will make various changes in the Subdivision and Platting Act. He said his purpose is to make the subdivision act easier to comply with and hopefully thereby to encourage property owners, developers and purchasers to come within the review of the act rather than to avoid the act through the use of the various exceptions. He said the objectives he hopes the package of bills will help achieve are (1) higher residential densities; (2) lower prices for purchasers of house lots; (3) more lots available in less than 20 acre sizes; and therefore (4) less urban sprawl and agricultural land taken from production. He said he discovered while working with the bills that he was dealing with complex legalisms that were almost too much for this old boy from Emigrant--so he sought trained legal assistance in presenting the bills. Rep. John Scully, he said, will present each bill and explain its workings and effects.

REP. JOHN SCULLY discussed the bill. He said if the proposed subdivision falls within an area that is part of a master plan and the plan for that area is that type of subdivision, any further environmental assessment need not be done. The benefits to be derived from this bill are: (1) decreased costs to the public; (2) less time consumption in the planning process; (3) less expense to cities and counties; (4) more predictability in planning; and (5) communities will be encouraged to carry out the master planning concept.

JOE GERBASE, Montana Real Estate Association, spoke in support. He said this was a specific approach to solve a problem--to require another assessment would be duplicatory. He said not all areas are able to afford to have a master plan--he said his home city, Billings, has a very comprehensive one. He said land prices have gone way up and the reason is because of the planning process. He said this bill won't cut all costs but will cut some.

PETER JACKSON, WETA, said his organization basically wants to achieve a balance between environmental good and economic growth. He said anything that can speed up the process and get the job done is great. He said inflated costs strike the credibility of the whole thing. He said his organization is in support of this bill.

CHARLES FRICKE, Florence, representing self, said in practice master planning and comprehensive plans are being used as a tool to zone areas. He said the two type plans have had public input as to what they want so why duplicate. He supported the bill.

ED ANDERSON, Holliday Realty, although representing self, spoke next in support. He mentioned how the price of land has increased in the Great Falls area--reason being the overregulation of its transferral. He said the price used to be \$150 an acre and now the lowest price is \$2000 an acre. He said the average priced good lot in the city is \$9000. He felt that something must be done to correct the supply and demand.

ROD WILSON, Legislative Coordinator, Billings Chamber of Commerce, spoke

next in support and a copy of his testimony is exhibit 1.

ROBERT MILLER, Montana Homebuilders Association, spoke next in support. He said this bill would do away with what is a duplication of effort and the time lag caused could be costly. He said in five years an average house is expected to cost \$78,000. He felt this bill would serve the best interests of the public.

FRED BELL, Stevensville, representing self, signed as supporting, exhibit 2.

BOB KIESLING, EIC, signed as opposing and a copy of his testimony is exhibit 3.

During questions Rep. Hurwitz asked if the terrible increase in price was the result of the comprehensive planning. Rep. Scully said not at all--lots of reasons for land prices to be going up. There is more demand than supply--people coming from the East where they are used to higher land costs and are willing to pay the higher prices.

Rep. Bengtson asked if there would be any assurance that prices would go down. Mr. Wilson responded that doing away with the duplication of effort could save 30 to 60 days and this would be a savings that would be passed on. Senator Story said he would like to speak on the effect planning has on cost. He said they are in favor of planning. He said they are not trying to do anything that would destroy the platting act. He said only to the extent that the platting act has provisions in it that are unnecessarily onerous, which provisions he said have two distinct effects--delay in planning which ups the price a bit; and the selling of 20 acre plots so that only one house is on the 20 acres when it could have been many more. This reduces the amount of land, and so the price goes up.

Rep. Hurwitz asked if he was making an argument against the 20 acre plot. Sen. Story said that's true. He said we want people to have homes and to have agriculture land stay as agriculture land. He said we want orderly development with good services for the homes. But he said this is an area not covered by the bill.

Rep. Harper questioned how carefully the master planning was done. Sen. Story said only about four areas would be covered by the bill--Billings, Bozeman, Great Falls and maybe Helena--for it they don't have a master plan the bill doesn't apply. Jim Richards of the DCA also spoke to this. He said 70 cities have some form of master plan but they wouldn't all be covered as zoning and a capital improvements program are prerequisites.

SB 225 SENATOR STORY said this bill does nothing more than make honest men and women out of all of us in this room. Under current law, it is a crime to make contracts or offer on land which has not been finally platted. This bill allows us and our fellow Montanans to make such contracts and offers and still affords the necessary protection to Mr. Public. He passed out copies of a suggested amendment to protect the purchaser. This is exhibit 4.

REP. JOHN SCULLY, District 77, said the law as written went beyond the purpose for which it was created--which was to prevent fraud. He said

Ex. 1

Rod Wilson



TESTIMONY
BILLINGS CHAMBER OF COMMERCE

S. B. NO. 224

"An act to amend sections 11-3860 and 11-3862, RCM 1947, to allow a simplified procedure for subdivisions within master plan areas."

By adopting S. B. 224 you will be aiding many citizens to purchase homes and rent apartments at a more equitable cost.

In Billings, we are facing a 10% growth factor. Since 1972 there have been 2,660 building permits issued in the 4 1/2 mile jurisdiction surrounding the city.

The time frame involved in establishing a subdivision becomes very important when you consider the following facts based upon the situation in Billings which has a master plan.

*The cost of improvements to a lot (which includes street, curb & gutter and sidewalk) has increased 80% in the last 4 years which is equivalent to 1.66%/month or \$54/month.

*The average unimproved lot price has increased by 150% in the 4 years which is equivalent to 3.1%/month or \$94/month.

For every 30 days of delay in approving a subdivision plan it costs the eventual homeowner approximately \$150.00 just for the lot acquisition. The environmental assessment has been known to drag out in excess of 12 months which means \$1,800 in excess costs.

In order to make housing costs and apartment rents a little more
feasible we urge your concurrence in S. B. 224 and urge a
"Do Pass."

Source of Statistics

- *Billings City Building Department
- *Actual sales records where title past lots. West end
 - *Kimberely Heights
 - *Sun Village
- *Engineering Survey

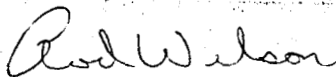
Cost of Improvements

1973 - \$2,900
1977 - \$5,500

Unimproved lot price (average)

1973 - \$3,000
1977 - \$7,500

Respectfully Submitted,



Rod Wilson
Legislative Coordinator
Billings Chamber of Commerce

RW/cw

NAME

Linda Bell

Bill No.

224/226

ADDRESS

Stemerville, Md.

DATE

Mar 9, 77

WHOM DO YOU REPRESENT

Myself

SUPPORT

☒

OPPOSE

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill would prevent duplication of effort which increases the cost all parties involved plus the time and effort of the review board which in turn increases the cost to the taxpayer.

Cx. 3

NAME BOB KIESLING Bill No. 224
ADDRESS Box 12 HELENA DATE 3.9.77
WHOM DO YOU REPRESENT ENVIRONMENTAL INFORMATION CENTER
SUPPORT _____ OPPOSE X AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

This bill purports to smooth the subdivision review process by eliminating the requirement for an environmental assessment in master planned areas. On the face of it there should be little objection to such a speed-up of the review process. But the question must be asked 'are there instances in which within a master planned area where the elimination of the environmental assessment would ~~be~~ be detrimental. The answer is yes, and in more cases than ~~than~~ ~~not~~ not.

The fact is, this bill is fine for some highly developed urban areas of the state with good master plans. But ~~many~~ ^{many} areas that do have master plans still need the advantage of an environmental assessment because their master plans are not that good. They need the information that comes with an environmental assessment because their master plans are ~~not~~ simply aren't masterful enough. These areas should not be deprived of the value of that information by passing this bill.

Hal, could you read the statement
on the other side and then ask

Jim Richards if there are such areas
that have weak master plans
that need the env. assessment.

NAME Charles Fricke Bill No. 5,3224
ADDRESS Florence MT DATE 3-9-77
WHOM DO YOU REPRESENT Myself
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

In practice Master Planning and Comprehensive Plans are being used as a tool to zone areas even these are not legal laws. Bunkhouse Bridge area example.

Also these two type plans have had public input as to what they want so why duplicate.

Rep. Harper moved as amended be concurred in. Rep. Curtiss made a substitute motion of do not concur as amended. She said the language in the bill is strong and will require strict control of local licensing. Rep. Frates said we must remember that it is the public health we are protecting with these bills. Question was called and the motion failed with 9 no, 6 yes (Burnett, Cox, Curtiss, Davis, Ernst, Hurwitz), 2 absent (Hirsch, Huennekens). Action was then taken on the motion to concur as amended and this motion carried with the vote being reversed.

Rep. Kessler moved that the committee reconsider its action on SB 175. The motion failed 7 to 7. The 7 nos were Cox, Curtiss, Davis, Ernst, Burnett, Bengtson, Nathe; and the 3 absent were Hirsch, Quilici, and Huennekens.

Rep. Hurwitz moved to reconsider the committee's action on SB 200. He said every community has a sanitarian and his job is to see that these conditions are met. This motion also failed on a similar 7 to 7 tie.

SENATE BILL 195

Rep. Harper, chairman of the subdivision subcommittee, said a summary sheet on all the subdivision bills had been prepared and passed to the committee (a copy is exhibit 3 of the minutes). He said amendments being presented on the different bills were agreed on by the Department of Community Affairs and the realtors. He said some were quite technical and the subcommittee had to rely on the expertise in these groups. He said the amendments tie up some of the loopholes. He said the subcommittee of five (Hurwitz, Metcalf, Ernst, Hirsch, Harper) had agreed unanimously on the amendments for the bills.

Rep. Harper moved the amendments for SB 195 (exhibit 4 of the minutes) be adopted and the bill as so amended be concurred in. Motion carried unanimously with those present (absent Hirsch, Huennekens, Quilici).

SENATE BILL 224

Rep. Harper said this would ensure legitimate exemptions are not taken away. He went through the subcommittee's suggested amendments (exhibit 5 of the minutes). Rep. Harper moved the bill as so amended be concurred in. Motion passed unanimously with those present (same absent).

SENATE BILL 225

Rep. Harper said this insures that land can't be sold until the preliminary plat is approved and the sale can't be completed until the final plat is approved. He said this allows the developer time to begin to sell the land (any money goes into escrow in the bank and the bank holds it until the plat is approved or for two years--if the plat is not approved in two years the money goes back to the purchasers. Rep. Harper moved the subcommittee's amendments, exhibit 6, and the bill as so amended be concurred in. Motion carried unanimously with the same absent.

Ex. 3

Summary of Proposed Amendments to Senate Subdivision Bills by DCA
and the Montana REALTORS Association

S.B. 224

- 1) Within a platted subdivision, relocation of boundary lines and aggregation of small lots into larger lots would not require local review. All lot divisions which increase the number of lots would require local review.
- 2) Only one transfer could be made to each member of a person's immediate family every 5 years. A family conveyance could not be taken in a manner that creates more than one remainder less than 20 acres in size.
- 3) A person could take only one occasional sale and then only in a manner which would not leave more than one remainder of less than 20 acres. An occasional sale could not be taken from a parcel which was created as an occasional or a family conveyance for 12 months. This amendment would prohibit combinations of exemptions to create de facto subdivisions and locating an occasional sale to leave two or more remainders.
- 4) Use of a court order to create parcels would be limited to settling divorce and probate cases. A number of persons holding land in joint ownership would be unable to petition a court to divide the land into individual parcels.
- 5) The exemption for a mortgage, lien or trust indenture would be available to allow a person buying land on a contract for deed to create a small parcel to offer as security for a house construction loan.

S.B. 225

- 1) All reference to offers for sale would be eliminated from the law. Contracts for deed could be made after a preliminary plat had been approved and where the money is placed in escrow, and the contract stipulated that title may not be transferred until a final plat is filed and that if a final plat is not filed within two years the money shall be returned to the buyer.

S.B. 227

The governing body would be required to take action on the first minor subdivision within 35 days. The requirements for a public hearing and an environmental assessment would be waived and the governing officials would be required to state in writing any conditions for approval or if the subdivision is denied, what requirements would not be met.

2
6x.5

amendments
adopted

DCA and Montana REALTORS Association
Proposed Amendments to Third Reading Version
of Senate Bill 224

Amend Section 2, page 4, line 2, after the period, by inserting the following material:

WITHIN A PLATTED SUBDIVISION FILED WITH THE COUNTY CLERK AND RECORDER ANY DIVISION OF LOTS WHICH RESULTS IN AN INCREASE IN THE NUMBER OF LOTS, OR WHICH REDESIGNS OR REARRANGES SIX OR MORE LOTS, MUST BE REVIEWED AND APPROVED BY THE GOVERNING BODY AND AN AMENDED PLAT MUST BE FILED WITH THE COUNTY CLERK AND RECORDER. FOR FIVE OR FEWER LOTS WITHIN A PLATTED SUBDIVISION, RELOCATION OF COMMON BOUNDARIES AND THE AGGREGATION OF LOTS ARE EXEMPTED FROM REVIEW AS SUBDIVISIONS. EXEMPTED FROM LOCAL REVIEW OUTSIDE OF PLATTED SUBDIVISIONS ARE:

Amend Section 2, page 4, lines 5 and 6, by deleting the material in its entirety and inserting thereof: SINGLE DIVISIONS MADE FOR THE PURPOSE OF TRANSFERRING TITLE TO A MEMBER OF THE GRANTOR'S IMMEDIATE FAMILY WHEN THE DIVISION CREATES NO MORE THAN ONE REMAINING PARCEL OF LESS THAN 20 ACRES. ONLY ONE CONVEYANCE OF LAND TO EACH MEMBER OF THE GRANTOR'S IMMEDIATE FAMILY IS ELIGIBLE FOR THIS EXEMPTION WITHIN ANY 5 YEAR PERIOD.

Amend Section 2, page 4, lines 15 and 16 by deleting the material in its entirety and inserting thereof: SINGLE DIVISIONS MADE BY A GRANTOR FOR TRANSFER OF TITLE AS AN OCCASIONAL SALE WHEN THE DIVISION CREATES NO MORE THAN ONE REMAINING PARCEL OF LESS THAN 20 ACRES. WHERE A PARCEL IS CREATED UNDER THIS EXEMPTION OR THE EXEMPTION FOR TRANSFER OF TITLE TO A MEMBER OF THE GRANTOR'S IMMEDIATE FAMILY, NO FURTHER DIVISION OF THAT PARCEL UNDER THIS EXEMPTION MAY OCCUR FOR A PERIOD OF 12 MONTHS.

created

strike
this
amend.

~~Amend Section 2, page 5, lines 13 and 14 by deleting the words "by order of any court of record in this state" and insert thereof: PURSUANT TO SECTION 48-321, R.C.M. 1947, OR THE LAW OF DECEDENTS ESTATES.~~

ok

which is

Amend Section 2, page 5, lines 19 and 20 by deleting all the material and inserting thereof: DIVISIONS CREATED TO PROVIDE SECURITY FOR CONSTRUCTION MORTGAGES, LIENS, OR TRUST INDENTURES.

SENATE BILL NO. 224

INTRODUCED BY STORY, DEVINE, MANLEY, DOVER,
PETERSON, BOYLAN, LOWE, LOCKREM, GALT, HEALY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS
11-3860 AND 11-3862, R.C.M. 1947, TO ALLOW A SIMPLIFIED
PROCEDURE FOR SUBDIVISIONS WITHIN MASTER PLAN AREAS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-3860, R.C.M. 1947, is amended to
read as follows:

"11-3860. Statement of purpose. It is the purpose of
this act to promote the public health, safety, and general
welfare by regulating the subdivision of land; to prevent
overcrowding of land; to lessen congestion in the streets
and highways; to provide for adequate light, air, water
supply, sewage disposal, parks and recreation areas, ingress
and egress, and other public requirements; to require
development in harmony with the natural environment; to
require that whenever necessary, the appropriate approval
of ~~any-subdivision~~ subdivisions be contingent upon a written
finding of public interest by the governing body; and to
require uniform monumentation of land subdivisions and
transferring interests in real property by reference to plat
or certificate of survey."

Section 2. Section 11-3862, R.C.M. 1947, is amended to
read as follows:

"11-3862. Surveys required -- exceptions -- standards
for monumentation. (1) All divisions of land for sale other
than a subdivision after the effective date of this act into
parcels which cannot be described as 1/32 or larger aliquot
parts of a United States government section or a United
States government lot must be surveyed by or under the
supervision of a registered land surveyor.

(2) Every subdivision of land after June 30, 1973,
shall be surveyed and platted in conformance with this act
by or under the supervision of a registered land surveyor.
Subdivision plats shall be prepared and filed in accordance
with this act and regulations adopted pursuant thereto. All
division of sections into aliquot parts and retracement of
lines must conform to United States bureau of land
management instructions, and all public land survey corners
shall be filed in accordance with Corner Recordation Act of
Montana (sections 67-2001 through 67-2019). Engineering
plans, specifications, and reports required in connection
with public improvements and other elements of the
subdivision required by the governing body shall be prepared
and filed by a registered engineer or a registered land
surveyor as their respective licensing laws allow in
accordance with this act and regulations adopted pursuant

1 thereto.

2 (3) The county clerk and recorder of any county shall
3 not record any instrument which purports to transfer title
4 to or possession of a parcel or tract of land which is
5 required to be surveyed by this act unless the required
6 certificate of survey or subdivision plat has been filed
7 with the clerk and recorder and the instrument of transfer
8 describes the parcel or tract by reference to the filed
9 certificate or plat.

10 (4) Instruments of transfer of land which is acquired
11 for state highways may refer by parcel and project number to
12 state highway plans which have been recorded in compliance
13 with section 32-2413, and are exempted from the surveying
14 and platting requirements of this act; provided, however,
15 that if such parcels are not shown on highway plans of
16 record, instruments of transfer of such parcels shall be
17 accompanied by and refer to appropriate certificates of
18 survey and plats when presented for recording.

19 (5) The provisions of this act shall not apply to the
20 division of state-owned land unless the division creates a
21 second or subsequent parcel from a single tract for sale,
22 rent or lease for residential purposes after July 1, 1974.

23 (6) Unless the method of disposition is adopted for
24 the purpose of evading this act, the following divisions of
25 land are not subdivisions under this act but are subject to

1 the surveying requirements of this section for divisions of
2 land not amounting to subdivisions.

3 WITHIN A PLATTED SUBDIVISION FILED WITH THE COUNTY
4 CLERK AND RECORDER ANY DIVISION OF LOTS WHICH RESULTS IN AN
5 INCREASE IN THE NUMBER OF LOTS, OR WHICH REDESIGNS OR
6 REARRANGES SIX OR MORE LOTS, MUST BE REVIEWED AND APPROVED
7 BY THE GOVERNING BODY AND AN AMENDED PLAT MUST BE FILED WITH
8 THE COUNTY CLERK AND RECORDER. FOR FIVE OR FEWER LOTS WITHIN
9 A PLATTED SUBDIVISION, RELOCATION OF COMMON BOUNDARIES AND
10 THE AGGREGATION OF LOTS ARE EXEMPTED FROM REVIEW AS
11 SUBDIVISIONS. EXEMPTED FROM LOCAL REVIEW OUTSIDE OF PLATTED
12 SUBDIVISIONS ARE:

13 (a) Divisions made for the purpose of relocating
14 common boundary lines between adjoining properties.

15 (b) ~~Divisions made for the purpose of a gift or sale~~
16 ~~to any member of the landowner's immediate family.~~ SINGLE
17 DIVISIONS MADE FOR THE PURPOSE OF TRANSFERRING TITLE TO A
18 MEMBER OF THE GRANITOR'S IMMEDIATE FAMILY WHEN THE DIVISION
19 CREATES NO MORE THAN ONE REMAINING PARCEL OF LESS THAN 20
20 ACRES. ONLY ONE CONVEYANCE OF LAND TO EACH MEMBER OF THE
21 GRANITOR'S IMMEDIATE FAMILY IS ELIGIBLE FOR THIS EXEMPTION
22 WITHIN ANY 5 YEAR PERIOD.

23 (c) Divisions made by sale or agreement to buy and
24 sell where the parties to the transaction enter a covenant
25 running with the land and revocable only by mutual consent

of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes. Any change in use of the land for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(d) ~~A single division of a parcel when the transaction is an occasional sale.~~ SINGLE DIVISIONS MADE BY A GRANTOR FOR TRANSFER OF TITLE AS AN OCCASIONAL SALE WHEN THE DIVISION CREATES NO MORE THAN ONE REMAINING PARCEL OF LESS THAN 20 ACRES. WHERE A PARCEL IS CREATED UNDER THIS EXEMPTION OR THE EXEMPTION FOR TRANSFER OF TITLE TO A MEMBER OF THE GRANTOR'S IMMEDIATE FAMILY, NO FURTHER DIVISION OF THAT PARCEL CREATED UNDER THIS EXEMPTION MAY OCCUR FOR A PERIOD OF 12 MONTHS.

(7) Subdivisions created by rent or lease are exempt from the surveying and filing requirements of this act but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

(8) Subdivisions totally within a master planning area adopted pursuant to 11-3801 through 11-3856 are exempt from the following requirements of this act:

~~(a) the requirement of an environmental assessment;~~

~~(b) the requirement of submission of a preliminary~~

~~plat;~~

~~(c) the requirement of a public hearing; and~~

~~(d) the requirement that the subdivision be in the public interest.~~ WHEREIN ZONING REGULATIONS PURSUANT TO 11-2701 THROUGH 11-2709 OR 16-4701 AND A CAPITAL IMPROVEMENT PROGRAM LONG-RANGE DEVELOPMENT PROGRAM OF PUBLIC WORKS? PROJECTS PURSUANT TO 11-3831 HAVE BEEN ADOPTED ARE DEEMED TO BE IN THE PUBLIC INTEREST AND EXEMPT FROM THE REQUIREMENT OF AN ENVIRONMENTAL ASSESSMENT.

(9) Unless the method of disposition is adopted for the purpose of evading this act, the requirements of this act shall not apply to any division of land:

(a) which is created by order of any court of record in this state or by operation of law, or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain (sections 93-9901 through 93-9926);

~~(b) which is created by a lien, mortgage, or trust indenture;~~ WHICH IS CREATED TO PROVIDE SECURITY FOR CONSTRUCTION MORTGAGES, LIENS, OR TRUST INDENTURES;

(c) which creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface ownership of real property;

(d) which creates cemetery lots;

(e) which is created by the reservation of a life estate;

1 (f) which is created by lease or rental for farming
2 and agricultural purposes.

3 ~~(9)~~(10) The sale, rent, lease, or other conveyance of
4 one or more parts of a building, structure, or other
5 improvement situated on one or more parcels of land is not a
6 division of land, as that term is defined in this act, and
7 is not subject to the requirements of this act.

8 ~~(10)~~(11) The department of community affairs shall, in
9 conformance with the Montana Administrative Procedure Act
10 (sections 82-4201 through 82-4225), prescribe uniform
11 standards for monumentation and for the form, accuracy, and
12 descriptive content of records of survey.

13 ~~(11)~~(12) It shall be the responsibility of the
14 governing body to require the replacement of all monuments
15 removed in the course of construction."

-End-

SENATE BILL NO. 224

INTRODUCED BY STORY, DEVINE, MANLEY, DOVER,

PETERSON, BOYLAN, LOWE, LOCKREM, GALT, HEALY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 11-3860 AND 11-3862, R.C.M. 1947, TO ALLOW A SIMPLIFIED PROCEDURE FOR SUBDIVISIONS WITHIN MASTER PLAN AREAS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-3860, R.C.M. 1947, is amended to read as follows:

"11-3860. Statement of purpose. It is the purpose of this act to promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to require that whenever necessary, the appropriate approval of ~~any-subdivision subdivisions~~ be contingent upon a written finding of public interest by the governing body; and to require uniform monumentation of land subdivisions and transferring interests in real property by reference to plat or certificate of survey."

REFERENCE BILL: Includes Free Joint
Conference Committee Report
Dated 4-19-77

Section 2. Section 11-3862, R.C.M. 1947, is amended to read as follows:

"11-3862. Surveys required — exceptions — standards for monumentation. (1) All divisions of land for sale other than a subdivision after the effective date of this act into parcels which cannot be described as 1/32 or larger aliquot parts of a United States government section or a United States government lot must be surveyed by or under the supervision of a registered land surveyor.

(2) Every subdivision of land after June 30, 1973, shall be surveyed and platted in conformance with this act by or under the supervision of a registered land surveyor. Subdivision plats shall be prepared and filed in accordance with this act and regulations adopted pursuant thereto. All division of sections into aliquot parts and retracement of lines must conform to United States bureau of land management instructions, and all public land survey corners shall be filed in accordance with Corner Recordation Act of Montana (sections 67-2001 through 67-2019). Engineering plans, specifications, and reports required in connection with public improvements and other elements of the subdivision required by the governing body shall be prepared and filed by a registered engineer or a registered land surveyor as their respective licensing laws allow in accordance with this act and regulations adopted pursuant

1 thereto.

2 (3) The county clerk and recorder of any county shall
3 not record any instrument which purports to transfer title
4 to or possession of a parcel or tract of land which is
5 required to be surveyed by this act unless the required
6 certificate of survey or subdivision plat has been filed
7 with the clerk and recorder and the instrument of transfer
8 describes the parcel or tract by reference to the filed
9 certificate or plat.

10 (4) Instruments of transfer of land which is acquired
11 for state highways may refer by parcel and project number to
12 state highway plans which have been recorded in compliance
13 with section 32-2413, and are exempted from the surveying
14 and platting requirements of this act; provided, however,
15 that if such parcels are not shown on highway plans of
16 record, instruments of transfer of such parcels shall be
17 accompanied by and refer to appropriate certificates of
18 survey and plats when presented for recording.

19 (5) The provisions of this act shall not apply to the
20 division of state-owned land unless the division creates a
21 second or subsequent parcel from a single tract for sale,
22 rent or lease for residential purposes after July 1, 1974.

23 (6) Unless the method of disposition is adopted for
24 the purpose of evading this act, the following divisions of
25 land are not subdivisions under this act but are subject to

1 the surveying requirements of this section for divisions of
2 land not amounting to subdivisions.

3 WITHIN A PLATTED SUBDIVISION FILED WITH THE COUNTY
4 CLERK AND RECORDER ANY DIVISION OF LOTS WHICH RESULTS IN AN
5 INCREASE IN THE NUMBER OF LOTS, OR WHICH REDESIGNS OR
6 REARRANGES SIX OR MORE LOTS, MUST BE REVIEWED AND APPROVED
7 BY THE GOVERNING BODY AND AN AMENDED PLAT MUST BE FILED WITH
8 THE COUNTY CLERK AND RECORDER. FOR FIVE OR FEWER LOTS WITHIN
9 A PLATTED SUBDIVISION, RELOCATION OF COMMON BOUNDARIES AND
10 THE AGGREGATION OF LOTS ARE EXEMPTED FROM REVIEW AS
11 SUBDIVISIONS. EXEMPTED FROM LOCAL REVIEW OUTSIDE OF PLATTED
12 SUBDIVISIONS ARE:

13 (a) Divisions made for the purpose of relocating
14 common boundary lines between adjoining properties.

15 (b) ~~Divisions made for the purpose of a gift or sale~~
16 ~~to any member of the landowner's immediate family. SINGLE~~
17 ~~DIVISIONS MADE FOR THE PURPOSE OF TRANSFERRING TITLE TO A~~
18 ~~MEMBER OF THE GRANTOR'S IMMEDIATE FAMILY WHEN THE DIVISION~~
19 ~~CREATES NO MORE THAN ONE REMAINING PARCEL OF LESS THAN 20~~
20 ~~ACRES. ONLY ONE CONVEYANCE OF LAND TO EACH MEMBER OF THE~~
21 ~~GRANTOR'S IMMEDIATE FAMILY IS ELIGIBLE FOR THIS EXEMPTION~~
22 ~~WITHIN ANY 5-YEAR PERIOD. DIVISIONS MADE FOR THE PURPOSE OF~~
23 ~~A GIFT OR SALE TO ANY MEMBER OF THE LANDOWNER'S IMMEDIATE~~
24 ~~FAMILY. DIVISIONS MADE FOR THE PURPOSE OF A GIFT OR SALE TO~~
25 ~~ANY MEMBER OF THE LANDOWNER'S IMMEDIATE FAMILY.~~

(c) Divisions made by sale or agreement to buy and sell where the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes. Any change in use of the land for anything other than agricultural purposes subjects the division to the provisions of this chapter.

~~(d) A single division of a parcel when the transaction is an occasional sale. SINGLE DIVISIONS MADE BY A GRANTOR FOR TRANSFER OF TITLE AS AN OCCASIONAL SALE WHEN THE DIVISION CREATES NO MORE THAN ONE REMAINING PARCEL OF LESS THAN 20 ACRES, WHERE A PARCEL IS CREATED UNDER THIS EXEMPTION OR THE EXEMPTION FOR TRANSFER OF TITLE TO A MEMBER OF THE GRANTOR'S IMMEDIATE FAMILY, NO FURTHER DIVISION OF THAT PARCEL CREATED UNDER THIS EXEMPTION, MAY OCCUR FOR A PERIOD OF 12 MONTHS. A SINGLE DIVISION OF A PARCEL WHEN THE TRANSACTION IS AN OCCASIONAL SALE.~~

(7) Subdivisions created by rent or lease are exempt from the surveying and filing requirements of this act but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

~~(8) Subdivisions totally within a master planning area adopted pursuant to 11-3801 through 11-3856 are exempt from the following requirements of this act:~~

~~(a) the requirement of an environmental assessment;~~
~~(b) the requirement of submission of a preliminary plat;~~
~~(c) the requirement of a public hearing; and~~
~~(d) the requirement that the subdivision be in the public interest.~~ WHEREIN ZONING REGULATIONS PURSUANT TO 11-2701 THROUGH 11-2709 OR 16-4701 AND A CAPITAL IMPROVEMENT PROGRAM LONG-RANGE DEVELOPMENT PROGRAM OF PUBLIC WORKS* PROJECTS PURSUANT TO 11-3831 HAVE BEEN ADOPTED ARE DEEMED TO BE IN THE PUBLIC INTEREST AND EXEMPT FROM THE REQUIREMENT OF AN ENVIRONMENTAL ASSESSMENT.

~~(9)~~ (9) Unless the method of disposition is adopted for the purpose of evading this act, the requirements of this act shall not apply to any division of land:

(a) which is created by order of any court of record in this state or by operation of law, or which, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain (sections 93-9901 through 93-9926);

~~(b) which is created by a lien, mortgage, or trust indenture;~~ WHICH IS CREATED TO PROVIDE SECURITY FOR CONSTRUCTION MORTGAGES, LIENS, OR TRUST INDENTURES;

(c) which creates an interest in oil, gas, minerals, or water which is now or hereafter severed from the surface

1 ownership of real property;

2 (d) which creates cemetery lots;

3 (e) which is created by the reservation of a life
4 estate;

5 (f) which is created by lease or rental for farming
6 and agricultural purposes.

7 ~~{9}~~~~{10}~~ The sale, rent, lease, or other conveyance of
8 one or more parts of a building, structure, or other
9 improvement situated on one or more parcels of land is not a
10 division of land, as that term is defined in this act, and
11 is not subject to the requirements of this act.

12 ~~{10}~~~~{11}~~ The department of community affairs shall, in
13 conformance with the Montana Administrative Procedure Act
14 (sections 82-4201 through 82-4225), prescribe uniform
15 standards for monumentation and for the form, accuracy, and
16 descriptive content of records of survey.

17 ~~{11}~~~~{12}~~ It shall be the responsibility of the
18 governing body to require the replacement of all monuments
19 removed in the course of construction."

-End-